

Whereas freshman pitcher Jorge Reyes was recognized as the Most Outstanding Player of the 2007 College World Series tournament;

Whereas Darwin Barney, Mitch Canham, Mike Liessman, Jorge Reyes, Scott Santschi, and Joey Wong were named to the 2007 All-College World Series tournament team; and

Whereas the 2007 College World Series victory of the Oregon State University baseball team ended a terrific season in which the team compiled a record of 49 wins to 18 losses: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the Oregon State University baseball team, Head Coach Pat Casey and his coaching staff, Athletic Director Bob DeCarolus, and Oregon State University President Edward John Ray on their tremendous accomplishment in defending their 2007 College World Series championship title; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of Oregon State University.

#### REQUEST FOR THE RETURN OF PAPERS—S. 1612

Mr. REID. Mr. President, I ask unanimous consent the Senate request the return of papers on the bill S. 1612 from the House of Representatives. I further ask consent that upon compliance with this request, the Secretary of the Senate be authorized to make corrections in the engrossment of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent the Senate stand adjourned following the remarks, for 28 minutes or thereabouts, or however much time the distinguished Senator from Alabama has left under the order before this body. When he finishes, we would adjourn.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, reserving the right to object, what is the plan for debate time in the morning prior to the cloture vote? I have been involved in the debate and would like to be involved in having some opportunity to speak in the morning prior to the vote, if that would be appropriate.

Mr. REID. I would say through the Chair, the time is equally divided between Senator KENNEDY and Senator SPECTER. Whatever time the Senator would request, I am sure one of those Senators might yield him time.

Mr. SESSIONS. How does that happen when they both agree on this bill?

Mr. REID. As I understand it, it is automatic, an hour before cloture.

Mr. SESSIONS. They both agreed. That is the problem. Is there any time set aside for the opposition?

Mr. REID. I think the Senator raises a valid point there. It is for the proponents of the resolution.

Mr. SESSIONS. I ask for 10 minutes.

Mr. REID. I ask unanimous consent out of Senator SPECTER's time and Senator KENNEDY's time, you have 10 minutes. How is that?

Mr. SESSIONS. That will be fine.

Mr. REID. Mr. President, if we wait, we are going to check to see if time has been allocated yet.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what I had requested is that the Senator from Alabama would be recognized for 10 minutes; five minutes would come from the time of Senator KENNEDY, 5 minutes from that of Senator SPECTER, and I would further say the last 20 minutes of the debate wouldn't count against any of this time. The first 10 minutes would be for Senator MCCONNELL, if he so chooses and, if I so choose, I would have the last 10 minutes, right before the vote. That is additional time. That doesn't count against the time we have allocated here earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, is it now appropriate that I utilize a few of the minutes I have remaining—I am not going to use them all—before we adjourn? Is that what we agreed to?

The PRESIDING OFFICER. The Senator has 28 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 28 minutes.

Mr. SESSIONS. Mr. President, this has been a very important day, a day that was pretty contentious. The procedural mechanism that the Majority Leader had invoked to control the debate in the Senate had its wheels come off today. The plan by the group, the grand bargainers and the leadership, was to push through a controlled series of 27 or so amendments today. The plan was to vote on this controlled group of hand picked amendments, mostly by motions to table, today. Had they voted on all of these amendments today we would have heard claims about the full and fair amendment process that had taken place this week—even though it was all just a show—no amendment would have gotten a vote unless the Majority Leader had approved it. My amendments, Senator CORNYN's amendments, and amendments by Senators DOLE, VITTER, COBURN, and DEMINT would not have gotten votes.

Well, the Baucus amendment was part of their plan but a surprise happened, it was not tabled. As a result, that amendment remained alive and the majority leader had the plan that had been so carefully constructed, almost to the degree of the Normandy invasion, come to a halt. So we are now no longer voting and debating tonight. But we will be getting ready for a key vote in the morning. So I would say to

anyone who might be listening, tomorrow morning is a very important vote. I believe a number of Senators who voted yesterday to move forward on this bill, some of the 64 who did, may not be for the legislation tomorrow.

I firmly believe that as the legislation and debate has gone along this week, more people have seen the fatal flaws that are in the legislation. I think we are going to see an erosion of the support tomorrow. I would say to my colleagues, let's end this tomorrow. Let's have this bill come down tomorrow. Let's not invoke cloture. Let's not continue to move forward on this bill because the legislation cannot be fixed in its present form.

I have had some people ask me, JEFF, why can't you compromise on this legislation? Why can't a compromise be reached? Well, I would just say that if you are trying to fix a leaky bucket, you can't compromise to fix the bucket by fixing four holes in the bucket and leaving six more holes in the bucket. Under that compromise, all of the water is still going to leak out.

The problem with the immigration bill currently before the Senate, and I have seen this problem repeatedly in the immigration realm, is that when we come up with provisions and concepts that would actually work, ones that would restore lawfulness to the immigration system, we pull back, we compromise too much. In my own mind, it has been like trying to jump across a 10-foot cavern, but only jumping 9 feet. You still fall to the bottom. You do not get across, you do not achieve your goal.

Until we complete some of the currently inadequate enforcement provisions, until we draft a bill that will create a legal system that will actually work, compromising about this or that matter is not going to amount to much.

The bill, I do believe, as I have indicated before, is only going to reduce illegal immigration by a net 13 percent over the next 20 years. That number comes straight from the Congressional Budget Office Cost Estimate on this bill, which they released June 4th, I did not make it up. Our own Congressional Budget Office, has told the Senate that we can expect to have an additional 8.7 million people illegally in our country after this bill becomes law.

That is not what we had been promised by the grand bargainers that brought this bill back to the floor. That is not what they are claiming will happen. They have promised us that this bill will secure the border. I assume that they mean they believe this bill will end illegal immigration. Well, it just simply will not secure the border and end or even substantially reduce illegal immigration. The Congressional Budget Office has told us it will not. In the beginning, I analyzed the bill and my staff worked on it, and we did not believe it would be an effective enforcement mechanism. The Congressional Budget Office has now also concluded that the bill will not fulfil the

enforcement promises being made on the floor of this Senate.

I will note again that the Association of Retired Border Patrol Agents roundly criticized the legislation. Two former chiefs of the Border Patrol of the United States, one of them under President Bush, one under President Reagan, have strongly and totally condemned the legislation.

The current Association of Border Patrol Officers opposes the legislation. The former Assistant Attorney General, Kris Kobach, who served in the as counsel to Attorney General Ashcroft on issues dealing with immigration and national security says this bill will not make us safer but will make us less safe. So does Mr. Cutler, a former INS agent of many years of experience. He is worried that we will be issuing U.S. government identities to people who we have no idea who they really are.

So, bottom line, the bill is not going to do what supporters are promising it will do. Those of us who were not in the little group of grand bargainers certainly have no responsibility to affirm the deal they may have reached, especially if we know that it is not going to work.

If the bill before us was a good piece of legislation and it solved the problems it claims to solve, then maybe we would just have to hold our noses and live with this sort of secret pressure that our good friends, the masters of the universe, have put on us by meeting and writing up a bill and telling us we have to take it or leave it. They tell us they will only allow a few little amendments, but anything that goes to the core of the legislation we will not allow you to change. They tell us they are all going to stick together and vote against it amendments that offer any real changes to the deal.

I have had members of the group say to me, and I find this very disturbing: Well, JEFF, that is a pretty good amendment you have, but it changes what we agreed on. I might agree with your amendment, but I cannot support your amendment. That is a rather unusual way to do business on the floor of the Senate, it is not a way of doing business that should make us proud, not one that is worthy of a matter of this importance.

Constituents all across the country are opposed to this legislation. I think I earlier said 20 percent support it. I think more accurately it is 22 percent that support this legislation. According to the latest Rasmussen poll, there has been a continual drop in support for the last 3 consecutive weeks in the tracking they have been doing.

Twice as many said they prefer no legislation at all to the bill that is before us today. We have been told by our colleagues promoting this legislation, that the only way to get the enforcement we want, is to vote for this legislation. Well, I don't think that all enforcement items should be held hostage to amnesty, and I have just explained why the enforcement they promise is not going to work.

The bill does have some concepts that are fairly significant. For example, the idea that people get legal status in the form of the probationary benefits visa a mere 24 hours after filing an amnesty application is very significant. These are legal documents we will be giving them, a certification that a person is in our country legally. It can then be utilized to get a state driver's license, a Social Security card, and those kind of things.

So the only thing that is going to be done before people are given this document just 24 hours after filing an application is a cursory background check. I submit to my colleagues that a full background check can not possibly be performed within 24 hours. The only way an amnesty application will not get legal status in 24 hours is if they had been arrested and fingerprinted somewhere in the country, and their fingerprints have been put into the national fingerprint index. That is really the only thing that will disqualify them within that 24 hour period.

But I wish my colleagues would think back to 9/11. Several of the 9/11 hijackers were stopped by state and local police at various times prior to 9/11 for speeding or such and each time they were let go by local law enforcement. Local law enforcement was now aware that some of them were here illegally. In the future, all of these 12 million would be given an identification document that would give them legal status, so, in fact, their position would be enhanced to an even greater status than the 9/11 hijackers. They would have U.S. government issued identification and a driver's license. They could travel the whole country with freedom under these documents.

So Mr. Kris Kobach and Mr. Mike Cutler and others have written op-eds and editorials that point out that this could be a tremendous advantage for terrorists, not a disadvantage.

These are complex issues. I think it would be better if our wise colleagues had invited somebody like Mr. Kobach, who is a professor of law now, a former Assistant Attorney General, to speak on these issues. Maybe they should have sought his opinion instead of the special interests they were listening to when they cobbled together this political deal.

Maybe they would have been better off if they asked some of experts, such as the former chairmen of the Border Patrol, what they thought, or the present head of the Border Patrol Association.

SO, the question is, what do we need to do now? The first thing we need to do is take this bill off the agenda tomorrow by defeating the cloture motion. Let's just end this agony, please. Let's not continue down this path. Let's say: No, it is time to pay a decent respect to the opinions of our constituents. They do not like this. Let's respect them. Let's acknowledge that independent experts say this bill will not work. This is not just the opinions

of some radio talk show hosts, as I have heard my colleagues talking about this week, but we have independent experts saying it will not work. I will just observe that the radio talk show hosts know more about the bill than most of the Senators do, if you want to know the truth.

But at any rate, this is where we are. I think we ought to come down with it. We should probably follow what the people have suggested in the polling data that I saw. The American people would favor incremental steps emphasizing enforcement. There are some things that we could do to achieve what the American people want. I suggest that if we can come up with a credible enforcement mechanism—and we can—then we need to enact it. Then we can begin to talk about the future flow in immigration levels. I don't think most people know—I am not sure most Senators have fully understood—this bill over the next 20 years will double the number of people given green cards, legal permanent residence in America. It will double the current numbers. It has only a 13-percent reduction in the 500,000 or so who come illegally every year. Remember, it was last year when we arrested 1 million people coming into our country illegally. What kind of system is this when our Border Patrol agents are out there working their hearts out and risking their lives to arrest a million people and we want to give immigration benefits for those that snuck past our agents?

That type of immigration system does not work. The way to make it work is for this Nation to state with crystal clarity that our border is not open anymore. Don't bother to try to illegally cross our border. People are coming from all over the world, not just Mexico, to sneak across the Mexican border, because it is wide open in their thoughts and it has been easier to get into the United States that way. It is not that difficult to create the reality that it is not open, and people will not spend their money trying to go through deserts and so forth to get into this country if the word gets out that it is no longer possible to be successful at it. That is what we need to do, reach that tipping point. We could see a big drop in the flow of illegal immigrants into our country. Then we could focus on a compassionate solution to those who have been here for a long time, who have children and families and have jobs and solid ties to our country. But the legislation before us today moved the date by which you could make claim for legal status from January of 2004 to January of 2007. Basically, no illegal alien is left behind; everybody is going to be a participant in this deal. I was stunned at that. Senator WEBB offered an excellent amendment today on that point to say it ought to go back 4 years. Why would we do that? The reason that is important is because we made an announcement that we were going to close the

border down. The President said so. He looked the American people in the eye and said we were going to do this. He called out the National Guard last year, and the National Guard has been at the border, I guess, now over a year.

This bill would say, if you got past the National Guard before last December 31, then you are in the pot. And the argument that I have heard is that we need to do something about the people who have been here for a long time. They have children. They are deeply embedded in the communities. We can't ask them to leave. But what about a person who ran past the National Guard last December? How can that person be deeply embedded in our society after sneaking in after we have said that the border is no longer open? What do you tell our Border Patrol officers when they are out there trying to enforce the law and somebody just got past them last November and now they are free and on the path to receiving some type of permanent status? Congress just says: Forget it, those who snuck past the border six months ago are going to be given a legal status and a path to citizenship.

These concerns should not be lightly dealt with. Politicians can meet and plot and think, but you have to remember what we are doing here. This is a great nation. A great nation creates laws. That nation should see that those laws are enforced and followed through effectively. If the laws are not enforced then that nation loses respect. Its law officers lose respect. Instead, people

who are inclined to violate laws are encouraged. Clearly, the nation will have more violations if that nation doesn't enforce the laws it passed. The bottom line is that this bill evidences a lack of commitment to make sure that the system that is getting established will work any better than the old one. So if we are not able to establish with confidence and clarity and conviction a new system of immigration that we intend to enforce, what is the point of legislating another immigration bill that won't achieve those goals?

But the American people aren't ready to quit. If any Senator doubts that, I suggest they sit at their front desk a while and answer the phone. That is the deal. We need as a nation to make a decision, are we going to create a lawful system of immigration or not? That is the question. This bill answers it in the negative. This bill is not going to create a legal system. To pass it is one more indication of our lack of will and commitment. It will breed cynicism and unhappiness among our constituents.

I thank the Chair for its patience allowing me to wrap up. I do believe the last vote on the Baucus amendment that did not table the amendment sent a signal that Senators are frustrated and uneasy about this process. I do believe more and more Senators, some of whom voted for cloture just yesterday, may not vote for cloture tomorrow.

I urge my colleagues not to worry. The issue is not going away. We have had it going since 1986. Just because

this grand compromise by the grand compromisers didn't work does not mean we don't have a problem that needs to be fixed. But next time let's make sure we do it right for our country.

I thank the Chair and yield the floor.

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#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. SALAZAR). Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 8:10 p.m., adjourned until Thursday, June 28, 2007, at 9:30 a.m.

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#### NOMINATIONS

Executive nominations received by the Senate June 27, 2007:

##### DEPARTMENT OF STATE

GEORGE A. KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TURKMENISTAN.

##### FEDERAL EMERGENCY MANAGEMENT AGENCY

W. ROSS ASHLEY, III, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

##### EXECUTIVE OFFICE OF THE PRESIDENT

SCOTT M. BURNS, OF UTAH, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE MARY ANN SOLBERG, RESIGNED.

##### THE JUDICIARY

REED CHARLES O'CONNOR, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS, VICE A. JOE FISH, RETIRING.